

ORIGINAL



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John E. Dougherty
PO Box 501
Rimrock, AZ 86335
Complainant & Intervenor

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BEFORE THE ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

BOB STUMP-Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING TO
INSTALL A WATER LINE FROM THE WELL ON
TIEMAN TO WELL NO. 1 ON TOWERS

W-04254A-12-0204

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING TO
PURCHASE THE WELL NO. 4 SITE AND THE
COMPANY VEHICLE.

W-04254A-12-0205

IN THE MATTER OF THE APPLICATION OF
MONTEZUMA RIMROCK WATER COMPANY,
LLC FOR APPROVAL OF FINANCING FOR AN
8,000-GALLON HYDRO-PNEUMATIC TANK

W-04254A-12-0206

IN THE MATTER OF THE RATE
APPLICATION OF MONTEZUMA RIMROCK
WATER COMPANY, LLC.

W-04254A-12-0207

JOHN E. DOUGHERTY,
COMPLAINANT,
V.
MONTEZUMA RIMROCK WATER
COMPANY, LLC,
RESPONDENT.

W-04254A-11-0323

Arizona Corporation Commission
DOCKETED

JUN 17 2013

DOCKETED BY	LLP
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1 IN THE MATTER OF THE APPLICATION OF
2 MONTEZUMA RIMROCK WATER
3 COMPANY, LLC FOR APPROVAL OF A
4 RATE INCREASE.

W-04254A-08-0361

6 IN THE MATTER OF THE APPLICATION OF
7 MONTEZUMA RIMROCK WATER
8 COMPANY, LLC FOR APPROVAL OF A
9 FINANCING APPLICATION.

W-04254A-08-0362

11
12 **Notice of Filing**
13 **Subpoenaed Witnesses,**
14 **Documents and Testimony**
15

16 By the Complainant/Intervenor:

17
18 In Response to the Court's June 14, 2013 Order, Complainant/Intervenor submits the
19 following:

20
21 **I. List of Subpoenaed Witnesses:**
22

- 23 A. John Torbenson
24 B. Robin Richards
25 C. Anna Barbara Brunner
26 D. John Campbell
27 E. Vivian Burns
28

29 **II. Documents Requested from Subpoenaed Witnesses:**
30

31 A. John Torbenson:

32
33 1. All lease agreements, draft and final, between Nile River Leasing and Ms. Patricia
34 Olsen, 2126 S. Tombaugh Way, Flagstaff, AZ 86001. This includes all amendments and
35 Riders.
36

37 2. All lease agreements, drafts and final, between Nile River Leasing and Montezuma
38 Rimrock Water Company, LLC, PO Box 10, Rimrock, AZ, 86335. This includes all
39 amendments and Riders.
40

41 3. All emails between Nile River (and any of its affiliates including, but not limited to,
42 Odyssey Equipment Financing Company) and any of its employees, with Ms. Patricia
43 Olsen and/or Montezuma Rimrock Water Company concerning the acquisition and
44 leasing of arsenic treatment equipment and a building to house such equipment.
45

46 B. John Campbell:

47
48 1. All emails and/or other correspondence that refers to your preparation of Montezuma
49 Rimrock Water Company's Arizona Corporation Annual Reports for each year have been

1 retained by Montezuma as its accountant, including, but not limited to, reference to the
2 Company's purchase of real estate and payments to Yavapai Title Company.

3
4 2. A copy of your contract or agreement with Montezuma Rimrock Water Company to
5 provide accounting services.

6
7 C. Vivian Burns:

8
9 1. All records related to a proposed fine to be levied against Montezuma Rimrock Water
10 Company if it did not come into compliance with Consent Order DW-36-10 by on or
11 about June 7, 2012.

12
13 D. Anna Barbara Brunner:

14
15 1. The promissory note and/or any other memorialization of the financing terms between
16 Anna Barbara Brunner and Montezuma Rimrock Water Company for the sale of Lot 500
17 in Lake Montezuma Estates Unit Two for \$35,000 on or about November 16, 2005.

18
19 2. The sales agreement between Anna Barbara Brunner and Montezuma Rimrock Water
20 Company for the sale of Lot 500 in Lake Montezuma Estates Unit Two for \$35,000 on or
21 about November 16, 2005.

22
23 **III. Subpoenas issued for Documents**

24
25 A. Registrar, Arizona State University

26
27 1. The enrollment record and confirmation of type of degrees and date awarded to
28 Ms. Patricia Arias, DOB 9/2/1961. (ASU verbally confirmed graduation on June 13, 2013)

29
30 B. Patricia Olsen

31 1. The April 20, 2012 Letter from Kevlor Design that was presented at the April 26, 2012
32 ADEQ, ACC & Olsen joint meeting. (Document provided on June 17, 2013 by
33 Montezuma's counsel.)

34
35 **IV. Subpoenas Requested But Not Yet Served**

36
37 A. Yavapai County Sheriff's Deputy Kevin Harper

38
39 **V. Testimony Sought from Each Subpoenaed Witness:**

40
41 1. John Torbenson: Testimony concerning the negotiations with Montezuma Rimrock
42 and Patricia Olsen concerning leasing an arsenic treatment building and arsenic treatment
43 system and the execution of the March 22, 2012 Capital Lease and March 7, 2013
44 affidavit.

45
46 2. Robin Richards: Testimony concerning the negotiations with Montezuma Rimrock and
47 Patricia Olsen concerning leasing an arsenic treatment building and arsenic treatment

1 system and the execution of the March 22, 2012 Capital Lease and March 8, 2013
2 affidavit.

3
4 3. Vivian Burns: Testimony concerning the history of ADEQ's enforcement of
5 Montezuma's arsenic violations, possible financial penalties proposed in the spring of
6 2012, the April 17, 2012 "pre-meeting" with ADEQ and ACC staff concerning
7 Montezuma's arsenic treatment plans, the April 26, 2012 joint meeting with ADEQ, ACC
8 and Ms. Olsen concerning Montezuma's arsenic treatment plan.

9
10 4. John Campbell: Testimony concerning his duties and contract with Montezuma,
11 accounting for the Brunner Promissory note and how it was reported in Montezuma's
12 general ledger and annual reports; payments made by Montezuma to Ms. Olsen in 2011,
13 Ms. Olsen's personal debts paid by company funds including student loan, Company
14 payments to Sergi Arias in connection with hydro-pneumatic tank, certain Company
15 checks to Wells Fargo Bank in 2011.


16
17 5. Barbara Brunner: Testimony concerning her relationship with Ms. Olsen, her role on
18 the Montezuma Estates Property Owner's Association, her purchase of Yavapai County
19 parcel #405-25-517, the sale of the parcel 405-25-517 to Montezuma, letters docketed to
20 the Commission concerning John Dougherty; her work history with Peter Sanchez.

21
22 6. Kevin Harper: Testimony concerning Yavapai County Sheriff's Office Deputy Report
23 for Incident 12-015988 involving Complainant Patricia Olson (Olsen), 4615 E. Goldmine
24 Road, Rimrock, AZ 86335 on or about May 16, 2012.

25
26 **VI: Exhibits**

27
28 Supporting exhibits for the above witnesses will be electronically provided to Mr. Wiley
29 and Mr. Hains.

30
31 RESPECTFULLY SUBMITTED this 17th Day of June, 2013.

32
33 
34
35 John E. Dougherty
36 Complainant/Intervenor

37
38 Copies of the foregoing Mailed/Hand Delivered
39 This 17th day of June, 2013 to:

40
41 Todd C. Wiley
42 2934 E. Camelback Rd.
43 Suite 600
44 Phoenix, AZ 85016

Janice Alward
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

1 Patricia D. Olsen, Manager
2 Montezuma Rimrock Water Company
3 PO Box 10
4 Rimrock AZ 86335
5

6 Lyn Farmer
7 Arizona Corporation Commission
8 1200 W. Washington St.
9 Phoenix, AZ 85007
10
11
12
13
14

Steve Olea
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1200 W. Washington St.
Phoenix, AZ 85007